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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,827	04/12/2001	Martin Kowatsch	Q64035	1954

7590 08/18/2003

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EXAMINER

PAK, SUNG H

ART UNIT PAPER NUMBER

2874

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Applicant(s)

09/832,827

KOWATSCH, MARTIN

Examiner

Sung H. Pak

Art Unit

2874

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-11.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
HEMANG SANGHAVI  
PRINCIPAL EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because:

The examiner has carefully reviewed the applicant's remarks filed 7/30/2003. The arguments regarding the patentability of pending claims have been carefully studied, however, they are not deemed convincing.

The applicant argues that Travieso device cannot be modified in view of the teachings set forth in Ehrfeld reference because there is a great size difference between the technologies disclosed by these two references. The examiner respectfully disagrees and maintains that the rejection is still valid.

As stated in the rejection, Travieso reference discloses an optical device with all the limitations set forth in the claims, except it does not teach waveguide material disposed in a polymer substrate and optical fibers being at least partially inserted into the substrate. Travieso reference shows optical fibers ("5" in Fig. 2) disposed on the substrate ("11") having crossing points, and a device ("10") having waveguide branching portions. Note the interface between the device "10" and the optical fibers at junction "24". Although Travieso does not explicitly mention that the device "10" is composed of waveguide material disposed on a polymer substrate wherein the interface junction has optical fibers at least partially inserted into the troughs of the substrate, such a device is commonly known in the art, and Ehrfeld reference discloses an exemplary embodiment (Fig. 1). The applicant characterizes Travieso and Ehrfeld devices as being analogous to a semiconductor integrated circuit and a macroscopic copper wire respectively, however the examiner respectfully disagrees with such a characterization. The examiner respectfully points out that both references may be drawn to integrated optical circuit devices. Travieso reference discloses that the device "10" may be a Wave Division Multiplexer or a Dense Wave Division Multiplexer. Such Multiplexers (e.g. Dragone Arrayed Waveguide Multiplexers) are often built on polymer waveguide substrates with filled waveguide materials, construction similar to the branching waveguide disclosed in the Ehrfeld reference. Since the Ehrfeld device provides a known advantage over the prior art as discussed in the rejection, a person of ordinary skill in the art would be motivated to modify Travieso device in view of Ehrfeld reference. Therefore, the claim rejection based on 35 USC 103(a) is still valid.